

Remarks

This paper is in response to the Office Action mailed April 11, 2005 and is accompanied by a petition for a one month extension of time to respond. In this paper, claim 2 is being amended and claim 16 is being added. In view of the above amendment and following remarks, Applicant respectfully requests reconsideration and allowance of claims 1-15 and consideration and allowance of claim 16.

In the Office Action, claim 2 is objected to because in line 3 of claim 2, the phrase "a capacitor that then" renders the claim unclear. Claim 2 is being amended to delete the phrase "a capacitor that then exists" to improve the clarity of the language. Although claim 7 is also listed as being objected to, the Office Action does not provide any details of the objection and the objection is believed to be an error. Accordingly, withdrawal of the objection to the claims is respectfully requested.

In the Office Action, claims 1, 2, 8, 9, 14, and 15 were rejected under 35 U.S.C. 102(b) as being anticipated by Nagel (U.S. Pat. No. 4,619,425). Nagel discloses an invention pertaining to a pulse code system for transmitting data including both information and commands in addition to the functions of train detection and movement control through the rails included in a railroad track circuit. (Col. Lines 6-12 of Nagel) The invention disclosed in Nagel is asserted to solve a problem with an energy storage effect in rails of a railroad without providing a resistor shunt which quickly drains the energy from the rails when desired. (See col. 1, lines 23-58 of Nagel) The energy storage effect is described in Nagel as being equivalent to a resistor-capacitor series network across the rails or tracks. (See col. 1, lines 23-28)

The present invention pertains to a problem in a model railroad of maintaining the transmission of information between a vehicle and track in the event of a loss of electrical contact between the vehicle and track. The inventor of the present invention solves this problem by providing and/or using at least one capacitor that exists between the vehicle and the track.

Nagel does not disclose or suggest using the resistor-capacitor series network across rails or tracks in any way. Instead, Nagel teaches away from using any stored energy for communications by proposing a communication scheme not affected by the tracks acting as a capacitor. In fact, nothing in Nagel discloses or suggests using the tracks acting as a capacitor or

a capacitor between a vehicle and track that can be used to transmit information between the vehicle and track in the event of a loss of electrical contact between the vehicle and track. Moreover, nothing in Nagel even suggests communication between the track and vehicle.

Claims 1 and 8 include the limitation of a capacitor between a vehicle and track for the transmission of information between the vehicle and track in the event of the loss of electrical contact between the vehicle and the track. As discussed above, Nagel does not disclose or suggests this limitation. Claims 2, 9, 14, and 15 depend from one of claims 1 and 8, which Applicant believes are allowable. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 1, 2, 8, 9, 14, and 15 under 35 U.S.C. 102(b).

In the Office Action, claims 3 and 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Nagel. Claims 3 and 10 depend from one of claims 1 and 8, which Applicant believes are allowable. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 3 and 10 under 35 U.S.C. 103(a).

In the Office Action, claims 4-7 and 11-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nagel in view of Brown et al. (U.S. Pat. No. 5,485,977). As discussed above, Nagel fails to disclose or suggests a capacitor between a vehicle and track that can be used to transmit information between the vehicle and track in the event of a loss of electrical contact between the vehicle and track, as recited in claims 1 and 8. Brown et al. fails to satisfy this deficiency. Claims 4-7 and 11-13 depend from one of claims 1 and 8, which Applicant believes are allowable. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 4-7 and 11-13 under 35 U.S.C. 103(a).

Claim 16 is being added, and includes the limitation of using a capacitor for the transmission of information in the event of a loss of electrical contact between the vehicle and the track. As discussed above, none of the cited references disclose or suggest such a limitation. Accordingly, Applicant respectfully asserts that claim 16 is allowable over the cited references.

Claim 2 is being amended. In view of the above amendments and remarks, Applicant respectfully requests reconsideration and allowance of claims 1-15 and consideration and allowance of claim 16. No additional fees for filing this response are believed to be due with the exception of a fee for the one month extension of time to respond. However, if any additional

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fees are due, including fees for additional extensions of time, the Commissioner is hereby authorized to charge them to deposit account no. 17-0055.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daniel G. Radler', written over a horizontal line.

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